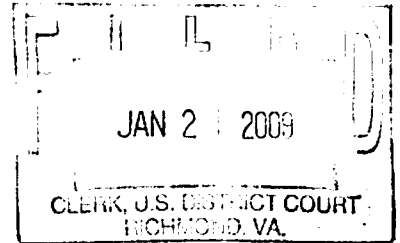


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



BENJAMIN ROSS DOWNEY,

Plaintiff,

v.

Civil Action No. 3:08CV199

GENE JOHNSON, et al.,

Defendants.

FINAL ORDER

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that:

1. The Report and Recommendation is ACCEPTED AND ADOPTED;
2. The action is DISMISSED; and,
3. The Clerk is DIRECTED to note the disposition of the action for purposes of 28 U.S.C. § 1915(g).

Downey may appeal the decision of the Court. Failure to file written notice of appeal within thirty (30) days of the date of entry hereof may result in the loss of the right to appeal.

The Clerk is DIRECTED to send a copy of the Order to Downey.

And it is so ORDERED.

_____/s/ *REP*
Robert E. Payne
Senior United States District Judge

Date: *Jan 19, 2009*
Richmond, Virginia